

Article - Education

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§8-406.

(a) In this section, “wraparound services”:

(1) Means individualized services, excluding regular school programs or services, that are provided to a child with a disability and the child’s family; and

(2) Includes the following services:

- (i) Behavioral aide in home;
- (ii) Education tutoring;
- (iii) Family therapy;
- (iv) Medication management;
- (v) Respite care;
- (vi) Vocational mentoring; and
- (vii) Environmental accessibility adaptations.

(b) (1) A child with a disability who needs special education and related services that cannot be provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services.

(2) A child with a disability who needs special education and related services is eligible for an appropriate nonpublic educational placement under this section if a State or local agency provides documentation that the child cannot attend a public school in the local school system:

- (i) Because of the child’s home circumstances; or
- (ii) Subject to subsection (d)(1) and (2) of this section, because of medical necessity.

(c) (1) The cost of the nonpublic educational program shall be paid by the State and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle, as appropriate.

(2) Subject to availability of funding in the State budget, for a child who qualifies for a nonpublic educational program under subsection (b)(2) of this section and who requires wraparound services in order to receive special education and related services in the least restrictive environment, the cost of providing the services shall be paid by the State and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle, if a State or local agency documents that the child's parent or legal guardian is unable to provide the wraparound services.

(d) (1) Payment or reimbursement for a nonpublic program may not be provided if the payment or reimbursement would require an additional contribution from the State under § 8-415(d)(2) of this subtitle unless the Department approves:

- (i) The nonpublic program;
- (ii) The placement of the child in the program;
- (iii) The cost of the program; and
- (iv) The amount of payment or reimbursement.

(2) For wraparound services, payment or reimbursement may not be provided in accordance with § 8-415(d) of this subtitle if:

(i) The child is eligible for funding for out-of-state placement of children under departmental regulations; or

(ii) Alternative federal, State, or local funding is available.

(3) Department approval is not required for a nonpublic program if:

(i) The local school system approves the placement of the child in the program; and

(ii) The local school system makes the payment or reimbursement from local funds.

(4) The State Board shall adopt regulations that establish standards and guidelines for approvals required by paragraph (3) of this subsection.

(e) A nonpublic placement recommended by a local school system for approval under subsection (d)(1) of this section shall be approved or disapproved pursuant to the regulations of the State Board. However, the Department may not disapprove a nonpublic placement recommended by a local school system for a child

unless the Department provides an appropriate alternative placement in conformity with the regulations of the State Board and applicable federal laws and regulations. The Department may not terminate funding for the last approved nonpublic placement of a child during the pendency of an administrative or judicial review of a recommended placement change.

(f) In addition to meeting the requirements of this subtitle, a local school system seeking nonpublic tuition payment shall obtain funding approval from the local coordinating council and the State Coordinating Council in accordance with departmental regulations.

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